ESTTA Tracking number:

ESTTA522837 02/21/2013

Filing date:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Hollywood Casino Corporation		
Entity	Corporation Citizenship Delaware		
Address	825 Berkshire Boulevard, Suite 200 Wyomissing, PA 19610 UNITED STATES		

Attorney	Hara K. Jacobs
information	Ballard Spahr LLP
	1735 Market Street, 51st Floor
	Philadelphia, PA 19103-7599
	UNITED STATES
	jacobsh@ballardspahr.com, cramerp@ballardspahr.com,
	sternam@ballardspahr.com, phila_tmdocketing@ballardspahr.com
	Phone:215.864.8209

Registration Subject to Cancellation

Registration No	4026623	Registration date	09/13/2011
Registrant	Hollywood Burger Holdings, Ir 33 Union Square West Apt. 4I New York, NY 10003 UNITED STATES		3

Goods/Services Subject to Cancellation

Class 043. First Use: 2010/07/01 First Use In Commerce: 2010/11/01
All goods and services in the class are cancelled, namely: Fast-food restaurants; Restaurant services featuring sandwiches

Grounds for Cancellation

Torres v. Cantine Torresella S.r.l.Fraud	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
Priority and likelihood of confusion	Trademark Act section 2(d)
Other	Registrant has not used the mark in commerce. See Barbara's Bakery Inc. v. Landesman, 82 USPQ2d 1283, 1289 (TTAB 2007) (registration is allowed only as to goods upon which the mark is being used as of the application filing date).

Marks Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	1851759	Application Date	05/05/1993
INO.			

Registration Date	08/30/1994	Foreign Priority Date	NONE
Word Mark	HOLLYWOOD CASINO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 1993/06/17 First Use In Commerce: 1993/06/17 casino services		

U.S. Registration No.	1903858	Application Date	05/05/1993
Registration Date	07/04/1995	Foreign Priority Date	NONE
Word Mark	HOLLYWOOD CASINO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1994/09/09 First Use In Commerce: 1994/09/09		
	hotel services		

Attachments	4026623.pdf (29 pages)(300773 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Hara K. Jacobs/
Name	Hara K. Jacobs
Date	02/21/2013

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

HOLLYWOOD CASINO CORPORATION,

Petitioner

Registration No. 4,026,623

v.

Cancellation No.

HOLLYWOOD BURGER HOLDINGS, INC.

Respondent.

PETITION FOR CANCELLATION

In the matter of Trademark Registration No. 4,026,623 for the mark HOLLYWOOD BURGER (the "Registration"), filed September 21, 2009, and issued on September 13, 2011, and currently owned by Hollywood Burger Holdings, Inc., located at 33 Union Square West, Apt. 4F, c/o Scott L. Mathis, New York, NY 10003:

Hollywood Casino Corporation, a Delaware corporation having a place of business at 825 Berkshire Boulevard, Suite 200, Wyomissing, Pennsylvania 19610 (the "Petitioner"), believes that it will be damaged by the continued registration of the mark shown in the above-identified Registration for the services identified herein, and hereby petitions to cancel the same. The grounds for cancellation are as follows:

- 1. The Petitioner is, and has for many years, itself and through its predecessor in interest and in title, been engaged in the hospitality industry focusing on gaming, hotel and restaurant services.
- 2. Petitioner has adopted and used the mark HOLLYWOOD CASINO since at least as early as June 17, 1993 in connection with casino services, and since at least as early as September 9, 1994 in connection with hotel services, and is owner of the incontestable federal

Registration Nos. 1,851,759 and 1,903,858 for the mark HOLLYWOOD CASINO for hotel services and casino services, all collectively referred to as the "Hollywood Casino Marks." Attached hereto as Exhibits A and B are current TSDR report printouts from the electronic database records of the USPTO showing the current status and title of Registration Nos. 1,851,759 and 1,903,858.

- 3. Petitioner offers, among other things, hotel services, casino services, restaurant and bar services, gaming facilities for patrons to play slot machines and video lottery terminals and other games of chance, and other casino services and related entertainment and hospitality services under the Hollywood Casino Marks (collectively, "Petitioner's Services").
- 4. Hollywood Burger Holdings, Inc. ("Respondent") has secured Registration No. 4,026,623, issued on September 13, 2011, for the mark HOLLYWOOD BURGER for fast-food restaurants and restaurant services featuring sandwiches in Class 43.
- 5. The Registration matured from Application No. 77/831,382, which Respondent filed on September 21, 2009 based on Respondent's alleged first use of the mark HOLLYWOOD BURGER in commerce on July 13, 2009 (the "Application").
- 6. On June 17, 2010, Respondent amended the Application to an intent-to use basis, under Section 1(b) of the Lanham Act.
- 7. On July 21, 2011, after several specimen refusals from the trademark examiner, Respondent filed a specimen and Statement of Use, stating that the mark HOLLYWOOD BURGER for the services identified herein was used at least as early as July 1, 2010, and first used in commerce at least as early as November 1, 2010 (the "Statement of Use").
- 8. The trademark examiner accepted the Statement of Use, and converted the Application to a use-based application under Section 1(a) of the Lanham Act.

- 9. Petitioner's dates of first use in commerce for each of the Hollywood Casino

 Marks precede Respondent's alleged date of first use in commerce for the mark HOLLYWOOD

 BURGER.
- 10. The registrations for the Hollywood Casino Marks are valid, subsisting and are incontestable.
- 11. Petitioner's use of the Hollywood Casino Marks has been continuous, exclusive and commercially significant for many years in connection with Petitioner's Services.
- 12. Petitioner's Hollywood Casino Marks are valid and have been valid and in continuous use since at least their respective dates of first use and have not been abandoned.
- 13. Because of the substantial investment of time and resources nationally to promote, advertise, and enforce the Hollywood Casino Marks, consumers have come to associate the Hollywood Casino Marks exclusively with Petitioner's Services.
- 14. By virtue of Petitioner's continuous use in commerce of the Hollywood Casino Marks in connection with Petitioner's Services, such services have become favorably known to the relevant trade and public under such marks.
- 15. In the Registration which is the subject of this cancellation, there are no restrictions on trade channels, so it must be presumed that the services of the Registration identified will travel through all trade channels appropriate for services of that type.
- 16. On information and belief, Respondent's services for fast-food restaurants and restaurant services featuring sandwiches in Class 43, and Petitioner's Services are intended to be marketed through overlapping channels of trade and are intended to be sold to overlapping classes of purchasers.

- 17. Respondent's HOLLYWOOD BURGER mark as used in association with fast-food restaurants and restaurant services featuring sandwiches in Class 43 is confusingly similar to the Hollywood Casino Marks established by Petitioner because the marks are similar in sound, appearance and overall commercial impression.
- 18. Respondent's HOLLYWOOD BURGER mark as applied to the identification of services in the Registration so resembles the Hollywood Casino Marks as applied to Petitioner's Services that it is likely to cause confusion, mistake and/or deception.
- 19. If Respondent's registration for the mark HOLLYWOOD BURGER for the services set forth in Class 43 of the Registration is permitted to continue, confusion of the relevant trade and public is likely to result, which will damage and injure Petitioner.
- 20. Any defect, objection to, or fault found with Respondent's services under the HOLLYWOOD BURGER mark would necessarily reflect on and seriously injure the reputation that Petitioner has established for its services and business.
- 21. Respondent's statement in the Statement of Use that the mark HOLLYWOOD BURGER was in use in commerce as of November 1, 2010, and was in use in commerce as of the date of the Statement of Use, July 21, 2011, is a false misrepresentation of fact because Respondent does not offer restaurant services of any kind in the United States.
- 22. Petitioner has performed an investigation into Respondent's services. That investigation revealed that Respondent does not have any restaurants in the United States and did not have any restaurants in the United States at the time it filed its application, at the time it claims to have first used the mark in commerce, November 1, 2010, or at the time Respondent filed its Statement of Use, July 21, 2011.

- Respondent has publicly stated both on its website and in press releases that Respondent has only a single restaurant in the country of Argentina, which is its first location, and a newly opened restaurant in the United Arab Emirates, and that Respondent's next planned locations will be additional restaurants in Argentina and the United Arab Emirates. A copy of the "Locations" page from Respondent's website containing the aforementioned statements is attached as Exhibit C hereto.
- 24. Because Respondent has not used the mark HOLLYWOOD BURGER in commerce, as defined in 15 U.S.C. § 1127, for any of the services listed in the Registration, the Registration is void *ab initio*.
- 25. Petitioner's investigation further revealed that Respondent is marketing its restaurant concept to potential franchisees by emphasizing that it has a trademark registration in the United States.
- 26. On information and belief, and upon the results of Petitioner's investigation, Respondent knowingly made false, material misrepresentations of fact in submitting its

 Application and the Statement of Use, with the intent to deceive the U.S. Patent & Trademark

 Office in procuring a federal registration for the mark HOLLYWOOD BURGER because

 Respondent knew that its mark, HOLLYWOOD BURGER, was not in use in commerce, as defined in 15 U.S.C. § 1127, in connection with the services referenced in the Application at the time the Application was filed, at the time of its alleged date of first of use in commerce,

 November 1, 2010, or at the time the Statement of Use was filed, July 21, 2011.
- 27. By reason of the foregoing, Petitioner is likely to be harmed by continued registration of U.S. Registration No. 4,026,623.

WHEREFORE, Hollywood Casino Corporation requests that this Petition to Cancel be granted, and that Registration No. 4,026,623 for the HOLLYWOOD BURGER mark be cancelled.

The required fee of \$300 may be charged to Deposit Account No. 02-0755 and any overpayment may be credited to this account.

Dated: February 21, 2013

Respectfully submitted,

By: /Hara K. Jacobs/

Hara K. Jacobs
Andrew M. Stern
BALLARD SPAHR LLP
1735 Market Street, 51st Floor
Philadelphia, Pennsylvania 19103-7599
(215) 665-8500

ATTORNEYS FOR PETITIONER

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this Petition for Cancellation was served on the Attorney of Record for the Respondent of Registration No. 4,026,623 by First Class U.S. Mail on the date below:

ERIC S. HUTNER HUTNER KLARISH LLP 1359 BROADWAY RM 2001 NEW YORK, NY 10018-7833

Dated: 2/21

Andrew M. Stern

EXHIBIT A

STATUS

DOCUMENTS

Back to Search

Print

Generated on: This page was generated by TSDR on 2013-02-20 23:24:14 EST

Mark: HOLLYWOOD CASINO

US Serial Number: 74801556

Application Filing Date: May 05, 1993

US Registration Number: 1851759

Registration Date: Aug. 30, 1994

Registration Number: 1851/59

Register: Principal

Mark Type: Service Mark

Status: A Section 15 declaration has been acknowledged.

Status Date: Jul. 01, 2008

Publication Date: Jun. 07, 1994

Mark Information

Mark Literal Elements: HOLLYWOOD CASINO

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Disclaimer: "CASINO"

Related Properties Information

International A0034213

Application(s)/Registration(s)

Based on this Property:

Claimed Ownership of US 74388870

Registrations:

Child Of: 74388870

Goods and Services

Note

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [..] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: casino services

International Class: 041 - Primary Class

U.S Class: 107

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 17, 1993

Use in Commerce: Jun. 17, 1993

Basis Information (Case Level)

 Filed Use: No
 Currently Use: Yes

 Filed ITU: Yes
 Currently ITU: No

 Filed 44D: No
 Currently 44D: No

 Filed 44E: No
 Currently 44E: No

Amended ITU: No Amended 44D: No

Amended 44E: No

Filed 66A: No Currently 66A: No

Filed No Basis: No Currently No Basis: No

Current Owner(s) Information

Owner Name: Hollywood Casino Corporation

Owner Address: 825 BERKSHIRE BOULEVARD, STE 200

WYOMISSING, PENNSYLVANIA 19610

UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where DELAWARE

Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Patricia G. Cramer

Docket Number: 894428

Correspondent

Correspondent Patricia G. Cramer

Name/Address: Ballard Spahr Andrews & Ingersoll, LLP

1735 Market Street, 51st Floor

Philadelphia, PENNSYLVANIA 19103-7599

UNITED STATES

Phone: 215-864-8607

Fax: 215-864-9744

Correspondent e-mail Yes Authorized:

Correspondent e-mail: <u>cramerp@ballardspahr.com</u>

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jul. 20, 2011	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jul. 01, 2008	REGISTERED - SEC. 15 ACKNOWLEDGED	66607
Jun. 17, 2008	ASSIGNED TO PARALEGAL	66607
Jun. 06, 2008	TEAS SECTION 15 RECEIVED	
Jul. 20, 2007	CASE FILE IN TICRS	
Dec. 12, 2005	ATTORNEY REVOKED AND/OR APPOINTED	
Dec. 12, 2005	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jan. 13, 2004	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Jan. 13, 2004	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Nov. 03, 2003	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Apr. 29, 2003	CANCELLATION TERMINATED NO. 999999	30800
Apr. 29, 2003	CANCELLATION DISMISSED NO. 999999	30800
Apr. 18, 2003	CANCELLATION GRANTED NO. 999999	30800
Oct. 30, 2000	REGISTERED - SEC. 8 (6-YR) ACCEPTED	
Aug. 18, 2000	REGISTERED - SEC. 8 (6-YR) FILED	
Aug. 25, 2 0 00	CANCELLATION INSTITUTED NO. 999999	30800
Aug. 30, 1994	REGISTERED-PRINCIPAL REGISTER	
Jun. 07, 1994	PUBLISHED FOR OPPOSITION	
May 06, 1994	NOTICE OF PUBLICATION	
Mar. 01, 1994	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 01, 1994	USE AMENDMENT ACCEPTED	
Jan. 31, 1994	AMENDMENT TO USE PROCESSING COMPLETE	
Sep. 01, 1993	USE AMENDMENT FILED	
Jan. 10, 1994	DIVISIONAL PROCESSING COMPLETE	
Nov. 22, 1993	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Sep. 30, 1993	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 23, 1993	EXAMINER'S AMENDMENT MAILED	
Aug. 20, 1993	ASSIGNED TO EXAMINER	67348
Aug. 16, 1993	ASSIGNED TO EXAMINER	59899
Aug. 16, 1993	ASSIGNED TO EXAMINER	59899

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Aug. 30, 2004

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: POST REGISTRATION

Date in Location: Jul. 01, 2008

Assignment Abstract of Title Information

Summary

Total Assignments: 8

Conveyance Filter

Registrant: Hollywood Casino Corporation

Assignment 1 of 8

Conveyance: SECURITY INTEREST

Reel/Frame: 1406/0572

Date Recorded: Oct. 20, 1995

Supporting Documents: No Supporting Documents

Assignor

Name: HOLLYWOOD CASINO CORPORATION

Execution Date: Oct. 17, 1995

Pages: 28

Legal Entity Type: CORPORATION

State or Country Where DELAWARE

Organized:

Assignee

Name: SHAWMUT BANK

Legal Entity Type: NATIONAL ASSOCIATION

State or Country Where No Place Where Organized Found

Organized:

Address: ONE FEDERAL STREET

BOSTON, MASSACHUSETTS 02211

Correspondent

Correspondent Name: VINSON & ELKINS L.L.P.

Correspondent Address: ANDREW G. DINOVO

2300 FIRST CITY TOWER 1001 FANNIN STREET HOUSTON, TX 77002

Domestic Representative - Not Found

Assignment 2 of 8

Conveyance: SECURITY INTEREST

Reel/Frame: 1904/0445

Pages: 8

Date Recorded: May 24, 1999

Legal Entity Type: CORPORATION

Supporting Documents: assignment-tm-1904-0445.pdf

Assignor

Name: HOLLYWOOD CASINO CORPORATION

Execution Date: May 19, 1999 State or Country Where DELAWARE

Organized:

Assignee

Name: STATE STREET BANK AND TRUST COMPANY, AS TRUSTEE

Legal Entity Type: CHARTERED TRUST COMPANY

State or Country Where MASSACHUSETTS

Organized:

Address: TWO INTERNATIONAL PLACE, 4TH FLOOR

BOSTON, MASSACHUSETTS 02110

Correspondent

Correspondent Name: LATHAM & WATKINS

Correspondent Address: JOYCE A. KIEL

SUITE 5800 SEARS TOWER CHICAGO, IL 60606

Domestic Representative - Not Found

Assignment 3 of 8

Conveyance: SECURITY AGREEMENT

Reel/Frame: <u>2693/0357</u> Pages: 87

Date Recorded: Mar. 19, 2003

Supporting Documents: <u>assignment-tm-2693-0357.pdf</u>

Assignor

Name: <u>HOLLYWOOD CASINO CORPORATION</u> Execution Date: Mar. 03, 2003

Legal Entity Type: CORPORATION State or Country Where DELAWARE

Organized:

Assignee

Name: BEAR STEAMS CORPORATE LENDING INC.

Legal Entity Type: CORPORATION State or Country Where NEW YORK

Organized:

Address: 383 MADISON AVENUE

AS COLLATERAL AGENT NEW YORK, NEW YORK 10179

Correspondent

Correspondent Name: FEDERAL RESEARCH COMPANY, LLC

Correspondent Address: MAUREEN P. MURPHY

1030 15TH STREET, NW, SUITE 920

WASHINGTON, DC 20005

Domestic Representative - Not Found

Assignment 4 of 8

Conveyance: RELEASE OF SECURITY INTEREST

Reel/Frame: <u>2694/0203</u> Pages: 8

Date Recorded: Mar. 19, 2003

 $\textbf{Supporting Documents: } \underline{assignment\text{-}tm\text{-}2694\text{-}0203.pdf}$

Assignor

Name: U.S. BANK NATIONAL ASSOCIATION (AS Execution Date: Mar. 03, 2003

SUCCESSOR TRUSTEE TO STATE STREET

BANK AND TRUST COMPANY)

Legal Entity Type: BANK State or Country Where No Place Where Organized Found

Organized:

Assignee

Name: HOLLYWOOD CASINO CORPORATION

Legal Entity Type: CORPORATION
State or Country Where DELAWARE
Organized:

Address: WYOMISSING PROFESSIONAL CENTER

825 BERKSHIRE BLVD., STE. 200 WYOMISSING, PENNSYLVANIA 19610

Correspondent

Correspondent Name: FEDERAL RESEARCH COMPANY, LLC

Correspondent Address: MAUREEN P. MURPHY

1030 15TH STREET, NW, SUITE 920

WASHINGTON, DC 20005

Domestic Representative - Not Found

Assignment 5 of 8

Conveyance: CONFIRMATION OF TERMINATION AND RELEASE OF SECURITY INTEREST IN TRADEMARKS

Reel/Frame: 3103/0017 Pages: 14

Date Recorded: Jun. 13, 2005

Supporting Documents: assignment-tm-3103-0017.pdf

Assignor

Name: U.S. BANK NATIONAL ASSOCIATION, AS Execution Date: Sep. 08, 2004

SUCCESSOR TRUSTEE

Legal Entity Type: NATIONAL ASSOCIATION

State or Country Where No Place Where Organized Found Organized:

Assignee

Name: HOLLYWOOD CASINO CORPORATION

Legal Entity Type: CORPORATION

State or Country Where DELAWARE
Organized:

Address: 825 BERKSHIRE BLVD, SUITE 200 WYOMISSING, PENNSYLVANIA 19610

Correspondent

Correspondent Name: PATRICIA G. CRAMER

Correspondent Address: 1735 MARKET STREET, 51ST FLOOR

PHILADELPHIA, PA 19103-7599

Domestic Representative - Not Found

Assignment 6 of 8

Conveyance: SECURITY AGRREMENT

Reel/Frame: 3175/0228

Date Recorded: Oct. 14, 2005

Supporting Documents: assignment-tm-3175-0228.pdf

Assignor

Name: ARGOSY GAMING COMPANY

Legal Entity Type: CORPORATION

Execution Date: Oct. 03, 2005

Pages: 28

State or Country Where DELAWARE

Organized:

Name: PENN NATIONAL GARMING INC

Legal Entity Type: CORPORATION

Execution Date: Oct. 03, 2005

State or Country Where PENNSYLVANIA

Organized:

Name: PENNSYLVANIA NATIONAL TURF CLUB, INC.

Legal Entity Type: CORPORATION

Execution Date: Oct. 03, 2005

State or Country Where PENNSYLVANIA

Organized:

Name: HOLLYWOOD CASINO CORPORATION

Legal Entity Type: CORPORATION

Execution Date: Oct. 03, 2005

State or Country Where DELAWARE

Organized:

Name: LOUISIANA CASINO CRUISES, INC

Legal Entity Type: CORPORATION

Execution Date: Oct. 03, 2005

State or Country Where LOUISIANA

Organized:

Name: BSL, INC

Legal Entity Type: CORPORATION

Execution Date: Oct. 03, 2005

State or Country Where MISSISSIPPI

Organized:

Name: BTN, INC

Legal Entity Type: CORPORATION

Execution Date: Oct. 03, 2005

State or Country Where MISSISSIPPI

Organized:

Assignee

Name: DEUTSCHE BANK TRUST COMPANY

Legal Entity Type: COLLATERAL AGENT

State or Country Where No Place Where Organized Found

Organized:

Address: 60 WALL STREET

AMERICAS, AS COLLATERAL AGENT NEW YORK, NEW YORK 10005

Correspondent

Correspondent Name: CORPORATE SERVICES CORPORATION

Correspondent Address: 1133 AVENUE OF THE AMERICAS

SUITE 3100

NEW YORK, NY 10036

Domestic Representative - Not Found

Assignment 7 of 8

Conveyance: TRADEMARK RELEASE

Reel/Frame: 4584/0012

Date Recorded: Jul. 15, 2011

Supporting Documents: assignment-tm-4584-0012.pdf

Assignor

Name: DEUTSCHE BANK TRUST COMPANY

AMERICAS, AS COLLATERAL AGENT

Legal Entity Type: CORPORATION

Execution Date: Jul. 14, 2011

Pages: 25

State or Country Where DELAWARE

Organized:

Assignee

Name: ARGOSY GAMING COMPANY

Legal Entity Type: CORPORATION

State or Country Where DELAWARE

Organized:

Address: 825 BERKSHIRE BLVD., SUITE 200

WYOMISSING, PENNSYLVANIA 19610

Name: PENN NATIONAL GAMING, INC.

Legal Entity Type: CORPORATION

State or Country Where PENNSYLVANIA

Organized:

Address: 825 BERKSHIRE BLVD., SUITE 200

WYOMISSING, PENNSYLVANIA 19610

Name: PENNSYLVANIA NATIONAL TURF CLUB, INC.

Legal Entity Type: CORPORATION

State or Country Where PENNSYLVANIA

Organized:

Address: 777 HOLLYWOOD DRIVE

GRANTVILLE, PENNSYLVANIA 17028

Name: LOUISIANA CASINO CRUISES, INC.

Legal Entity Type: CORPORATION

State or Country Where LOUISIANA

Organized:

Address: 1717 RIVER ROAD NORTH

BATON ROUGE, LOUISIANA 70802

Name: HOLLYWOOD CASINO CORPORATION

Legal Entity Type: CORPORATION

State or Country Where DELAWARE

Organized:

Address: 825 BERKSHIRE BLVD., SUITE 200

WYOMISSING, PENNSYLVANIA 19610

Name: BSL, INC.

Legal Entity Type: CORPORATION

State or Country Where MISSISSIPPI Organized:

Address: 711 HOLLYWOOD BLVD., BAY

ST. LOUIS, MISSISSIPPI 39520

Name: BTN, INC.

Legal Entity Type: CORPORATION

State or Country Where MISSISSIPPI

Organized:

Address: 676 BAYVIEW AVENUE

BILOXI, MISSISSIPPI 39530

Correspondent

Correspondent Name: JAMES P. MURPHY, LEGAL ASSISTANT

Correspondent Address: 80 PINE STREET

CAHILL GORDON & REINDEL LLP

NEW YORK, NY 10005

Domestic Representative - Not Found

Assignment 8 of 8

Conveyance: SECURITY AGREEMENT

Reel/Frame: 4584/0880

Date Recorded: Jul. 18, 2011

Supporting Documents: assignment-tm-4584-0880.pdf

Assignor

Name: ARGOSY GAMING COMPANY

Legal Entity Type: CORPORATION

Pages: 27

Execution Date: Jul. 14, 2011

State or Country Where DELAWARE

Organized:

Name: PENN NATIONAL GAMING, INC.

Legal Entity Type: CORPORATION

Execution Date: Jul. 14, 2011

State or Country Where PENNSYLVANIA

Organized:

Name: LV GAMING VENTURES, LLC

Legal Entity Type: CORPORATION

Execution Date: Jul. 14, 2011

State or Country Where NEVADA

Organized:

Name: PENNSYLVANIA NATIONAL TURF CLUB, INC.

Legal Entity Type: CORPORATION

Execution Date: Jul. 14, 2011

State or Country Where PENNSYLVANIA

Organized:

Name: HOLLYWOOD CASINO CORPORATION

Legal Entity Type: CORPORATION

Execution Date: Jul. 14, 2011

State or Country Where DELAWARE

Organized:

Name: BTN, INC.

Legal Entity Type: CORPORATION

Execution Date: Jul. 14, 2011 State or Country Where MISSISSIPPI

Organized:

Assignee

Name: WELLS FARGO BANK, NATIONAL ASSOCIATION, AS COLLATERAL AGENT

Legal Entity Type: INC. ASSOCIATION

State or Country Where UNITED STATES

Organized:

Address: 333 S. GRAND AVE, 12TH FLOOR

LOS ANGELES, CALIFORNIA 90071

Correspondent

Correspondent Name: JAMES P. MURPHY, LEGAL ASSISTANT

Correspondent Address: 80 PINE STREET

CAHILL GORDON & REINDEL LLP

NEW YORK, NY 10005

Domestic Representative - Not Found

EXHIBIT B

STATUS

DOCUMENTS

Back to Search

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Mark: HOLLYWOOD CASINO

US Serial Number: 74388870

Application Filing Date: May 05, 1993

US Registration Number: 1903858

Registration Date: Jul. 04, 1995

Register: Principal

Mark Type: Service Mark

Status: The registration has been renewed.

Status Date: Apr. 24, 2006

Publication Date: Aug. 16, 1994

Notice of Allowance Date: Nov. 08, 1994

Mark Information

Mark Literal Elements: HOLLYWOOD CASINO

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Disclaimer: "CASINO"

Related Properties Information

International A0034213

Application(s)/Registration(s) Based on this Property:

Claimed Ownership of US 74801556

Registrations:

Parent Of: 74801556

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- · Brackets [..] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: hotel services

International Class: 042 - Primary Class

U.S Class: 100, 101

Class Status: ACTIVE Basis: 1(a)

First Use: Sep. 09, 1994

Use in Commerce: Sep. 09, 1994

Basis Information (Case Level)

Filed 44D: No

Filed Use: No Currently Use: Yes Filed ITU: Yes Currently ITU: No

Amended Use: No Amended ITU: No Amended 44D: No

Amended 44E: No

Filed 44E: No Currently 44E: No Filed 66A: No

Currently 66A: No

Currently 44D: No

Filed No Basis: No Currently No Basis: No

Current Owner(s) Information

Owner Name: Hollywood Casino Corporation

Owner Address: Two Galleria Tower, Suite 2200

13455 Noel Road, L.B. 48 Dallas, TEXAS 75240 UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where DELAWARE Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Patricia G: Cramer; Roberta Jacobs-Meadway; Jay

K. Meadway; Richard E. Peirce; Robert H. Lefevre

Docket Number: 894428

Correspondent

Correspondent PATRICIA G CRAMER ROBERTA JACOBS- MEADW Name/Address: BALLARD SPAHR ANDREWS & INGERSOLL LLP

1735 MARKET ST 51ST FL

PHILADELPHIA, PENNSYLVANIA 19103-7599

UNITED STATES

Phone: 215-864-8607

Fax: 215-864-9744

Correspondent e-mail: cramerp@ballardspahr.com

Correspondent e-mail Yes Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jul. 20, 2011	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jun. 27, 2007	CASE FILE IN TICRS	
Apr. 24, 2006	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	68335
Apr. 24, 2006	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Apr. 24, 2006	ASSIGNED TO PARALEGAL	68335
Dec. 12, 2005	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Dec. 12, 2005	TEAS SECTION 8 & 9 RECEIVED	
Dec. 12, 2005	ATTORNEY REVOKED AND/OR APPOINTED	
Dec. 12, 2005	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Aug. 13, 2001	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Jul. 03, 2001	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Jul. 04, 1995	REGISTERED-PRINCIPAL REGISTER	
Mar. 29, 1995	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Mar. 16, 1995	ASSIGNED TO EXAMINER	67348
Mar. 08, 1995	STATEMENT OF USE PROCESSING COMPLETE	
Jan. 13, 1995	USE AMENDMENT FILED	
Nov. 08, 1994	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Aug. 16, 1994	PUBLISHED FOR OPPOSITION	
Jul. 15, 1994	NOTICE OF PUBLICATION	
Mar. 01, 1994	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 27, 1994	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jan. 10, 1994	DIVISIONAL PROCESSING COMPLETE	
Sep. 01, 1993	DIVISIONAL REQUEST RECEIVED	
Nov. 22, 1993	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Sep. 30, 1993	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 23, 1993	EXAMINER'S AMENDMENT MAILED	
Aug. 20, 1993	ASSIGNED TO EXAMINER	67348
Aug. 16, 1993	ASSIGNED TO EXAMINER	59899
Aug. 16, 1993	ASSIGNED TO EXAMINER	59899

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted
Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Jul. 04, 2005

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: SCANNING ON DEMAND

Date in Location: Jun. 27, 2007

Assignment Abstract of Title Information

Summary

Total Assignments: 9

Conveyance Filter

Registrant: Hollywood Casino Corporation

Assignment 1 of 9

Conveyance: SECURITY INTEREST

Reel/Frame: 1406/0572

Pages: 28

Date Recorded: Oct. 20, 1995

Supporting Documents: No Supporting Documents

Assignor

Name: HOLLYWOOD CASINO CORPORATION

Execution Date: Oct. 17, 1995

Legal Entity Type: CORPORATION

State or Country Where DELAWARE

Organized:

Assignee

Name: SHAWMUT BANK

Legal Entity Type: NATIONAL ASSOCIATION

State or Country Where No Place Where Organized Found

Organized:

Address: ONE FEDERAL STREET

BOSTON, MASSACHUSETTS 02211

Correspondent

Correspondent Name: VINSON & ELKINS L.L.P.

Correspondent Address: ANDREW G. DINOVO

2300 FIRST CITY TOWER 1001 FANNIN STREET HOUSTON, TX 77002

Domestic Representative - Not Found

Assignment 2 of 9

Conveyance: SECURITY INTEREST

Reel/Frame: 1904/0445

Pages: 8

Date Recorded: May 24, 1999

Supporting Documents: assignment-tm-1904-0445.pdf

Assignor

Name: HOLLYWOOD CASINO CORPORATION

Execution Date: May 19, 1999

Legal Entity Type: CORPORATION

State or Country Where DELAWARE

Organized:

Assignee

Name: STATE STREET BANK AND TRUST COMPANY, AS TRUSTEE

Legal Entity Type: CHARTERED TRUST COMPANY

State or Country Where MASSACHUSETTS

Organized:

Address: TWO INTERNATIONAL PLACE, 4TH FLOOR

BOSTON, MASSACHUSETTS 02110

Correspondent

Correspondent Name: LATHAM & WATKINS

Correspondent Address: JOYCE A. KIEL

SUITE 5800 SEARS TOWER

CHICAGO, IL 60606

Domestic Representative - Not Found

Assignment 3 of 9

Conveyance: SECURITY AGREEMENT

Reel/Frame: 2693/0357

Date Recorded: Mar. 19, 2003

Supporting Documents: assignment-tm-2693-0357.pdf

Assignor

Name: HOLLYWOOD CASINO CORPORATION

Execution Date: Mar. 03, 2003

Pages: 87

Legal Entity Type: CORPORATION

State or Country Where DELAWARE Organized:

Assignee

Name: BEAR STEAMS CORPORATE LENDING INC.

Legal Entity Type: CORPORATION

State or Country Where NEW YORK

Organized:

AS COLLATERAL AGENT NEW YORK, NEW YORK 10179

Correspondent

Correspondent Name: FEDERAL RESEARCH COMPANY, LLC

Address: 383 MADISON AVENUE

Correspondent Address: MAUREEN P. MURPHY

1030 15TH STREET, NW, SUITE 920

WASHINGTON, DC 20005

Domestic Representative - Not Found

Assignment 4 of 9

Conveyance: RELEASE OF SECURITY INTEREST

Reel/Frame: 2694/0203

Date Recorded: Mar. 19, 2003

Supporting Documents: assignment-tm-2694-0203.pdf

Assignor

Name: U.S. BANK NATIONAL ASSOCIATION (AS

SUCCESSOR TRUSTEE TO STATE STREET

BANK AND TRUST COMPANY)

Legal Entity Type: BANK

Execution Date: Mar. 03, 2003

Pages: 8

State or Country Where No Place Where Organized Found

Organized:

Assignee

Name: HOLLYWOOD CASINO CORPORATION

Address: WYOMISSING PROFESSIONAL CENTER

Legal Entity Type: CORPORATION

State or Country Where DELAWARE

Organized:

825 BERKSHIRE BLVD., STE. 200

WYOMISSING, PENNSYLVANIA 19610

Correspondent

Correspondent Name: FEDERAL RESEARCH COMPANY, LLC

Correspondent Address: MAUREEN P. MURPHY

1030 15TH STREET, NW, SUITE 920

WASHINGTON, DC 20005

Domestic Representative - Not Found

Assignment 5 of 9

Conveyance: CONFIRMATION OF TERMINATION AND RELEASE OF SECURITY INTEREST IN TRADEMARKS

Reel/Frame: 3103/0017

Date Recorded: Jun. 13, 2005

Supporting Documents: assignment-tm-3103-0017.pdf

Assignor

Name: U.S. BANK NATIONAL ASSOCIATION, AS

SUCCESSOR TRUSTEE

Execution Date: Sep. 08, 2004

Pages: 14

Legal Entity Type: NATIONAL ASSOCIATION

State or Country Where No Place Where Organized Found

Organized:

Assignee

Name: HOLLYWOOD CASINO CORPORATION

Address: 825 BERKSHIRE BLVD, SUITE 200

Legal Entity Type: CORPORATION

State or Country Where DELAWARE

Organized:

Correspondent

Correspondent Name: PATRICIA G. CRAMER

Correspondent Address: 1735 MARKET STREET, 51ST FLOOR

PHILADELPHIA, PA 19103-7599

WYOMISSING, PENNSYLVANIA 19610

Domestic Representative - Not Found

Assignment 6 of 9

Conveyance: TERMINATION AND RELEASE

Reel/Frame: <u>3171/0717</u>

Date Recorded: Oct. 07, 2005

Supporting Documents: assignment-tm-3171-0717.pdf

Assignor

Name: BEAR STEARNS CORPORATE LENDING INC.,

AS COLLATERAL AGENT

Legal Entity Type: CORPORATION

Execution Date: Oct. 03, 2005

Pages: 18

State or Country Where DELAWARE

Organized:

Assignee

Name: PENN NATIONAL GARMING INC

Legal Entity Type: CORPORATION

State or Country Where PENNSYLVANIA

Organized:

Address: 825 BERKSHIRE BLVD

SUITE 200

WYOMISSING, PENNSYLVANIA 19610

Name: PENNSYLVANIA NATIONAL TURF CLUB, INC.

Legal Entity Type: CORPORATION

State or Country Where PENNSYLVANIA

Organized:

Address: P.O. BOX 32

GRANTVILLE, PENNSYLVANIA 17028

Name: HOLLYWOOD CASINO CORPORATION

Legal Entity Type: CORPORATION

State or Country Where DELAWARE

Organized:

Address: 825 BERKSHIRE BLVD.

SUITE 200

WYOMISSING, PENNSYLVANIA 19610

Name: BSL, INC

Legal Entity Type: CORPORATION

State or Country Where MISSISSIPPI

Organized:

Address: 711 CASINO MAGIC DRIVE

BAY STREET

LOUIS, MISSISSIPPI 39520

Name: BTN, INC

Legal Entity Type: CORPORATION

State or Country Where MISSISSIPPI

Organized:

Correspondent

Correspondent Name: CORPORATE SERVICES CORPORATION

Address: 676 BAYVIEW AVENUE,

Correspondent Address: 1133 AVENUE OF THE AMERICAS

NEW YORK, NY 10036

BILOXI, MISSISSIPPI 39533

Domestic Representative - Not Found

Assignment 7 of 9

Conveyance: SECURITY AGRREMENT

Reel/Frame: 3175/0228

Date Recorded: Oct. 14, 2005

Supporting Documents: assignment-tm-3175-0228.pdf

Assignor

Name: ARGOSY GAMING COMPANY

Legal Entity Type: CORPORATION

Pages: 28

Execution Date: Oct. 03, 2005

State or Country Where DELAWARE

Organized:

Name: PENN NATIONAL GARMING INC

Legal Entity Type: CORPORATION

Execution Date: Oct. 03, 2005

State or Country Where PENNSYLVANIA

Organized:

Name: PENNSYLVANIA NATIONAL TURF CLUB, INC.

Legal Entity Type: CORPORATION

Execution Date: Oct. 03, 2005

State or Country Where PENNSYLVANIA

Organized:

Name: HOLLYWOOD CASINO CORPORATION

Legal Entity Type: CORPORATION

Execution Date: Oct. 03, 2005

State or Country Where DELAWARE

Organized:

Name: LOUISIANA CASINO CRUISES, INC

Legal Entity Type: CORPORATION

Execution Date: Oct. 03, 2005

State or Country Where LOUISIANA

Organized:

Name: BSL, INC

Legal Entity Type: CORPORATION

Execution Date: Oct. 03, 2005

State or Country Where MISSISSIPPI

Organized:

Name: BTN, INC

Legal Entity Type: CORPORATION

Execution Date: Oct. 03, 2005

State or Country Where MISSISSIPPI

Organized:

Assignee

Name: DEUTSCHE BANK TRUST COMPANY

Legal Entity Type: COLLATERAL AGENT

State or Country Where No Place Where Organized Found

Organized:

Address: 60 WALL STREET

AMERICAS, AS COLLATERAL AGENT NEW YORK, NEW YORK 10005

Correspondent

Correspondent Name: CORPORATE SERVICES CORPORATION

Correspondent Address: 1133 AVENUE OF THE AMERICAS

SUITE 3100

NEW YORK, NY 10036

Domestic Representative - Not Found

Assignment 8 of 9

Conveyance: TRADEMARK RELEASE

Reel/Frame: 4584/0012

Date Recorded: Jul. 15, 2011

Supporting Documents: assignment-tm-4584-0012.pdf

Assignor

Name: DEUTSCHE BANK TRUST COMPANY

AMERICAS, AS COLLATERAL AGENT

Legal Entity Type: CORPORATION

State or Country Where DELAWARE

Pages: 25

Execution Date: Jul. 14, 2011

Organized:

Assignee

Name: ARGOSY GAMING COMPANY

Legal Entity Type: CORPORATION

State or Country Where DELAWARE

Organized:

Address: 825 BERKSHIRE BLVD., SUITE 200

WYOMISSING, PENNSYLVANIA 19610

Name: PENN NATIONAL GAMING, INC.

Legal Entity Type: CORPORATION

State or Country Where PENNSYLVANIA

Organized:

Address: 825 BERKSHIRE BLVD., SUITE 200

WYOMISSING, PENNSYLVANIA 19610

Name: PENNSYLVANIA NATIONAL TURF CLUB, INC.

Legal Entity Type: CORPORATION

State or Country Where PENNSYLVANIA

Organized:

Address: 777 HOLLYWOOD DRIVE

GRANTVILLE, PENNSYLVANIA 17028

Name: LOUISIANA CASINO CRUISES, INC.

Legal Entity Type: CORPORATION

State or Country Where LOUISIANA

Organized:

Address: 1717 RIVER ROAD NORTH

BATON ROUGE, LOUISIANA 70802

Name: HOLLYWOOD CASINO CORPORATION

Legal Entity Type: CORPORATION

State or Country Where DELAWARE

Organized:

Address: 825 BERKSHIRE BLVD., SUITE 200

WYOMISSING, PENNSYLVANIA 19610

Name: BSL, INC.

Legal Entity Type: CORPORATION

State or Country Where MISSISSIPPI

Organized:

Address: 711 HOLLYWOOD BLVD., BAY

ST. LOUIS, MISSISSIPPI 39520

Name: BTN, INC.

Legal Entity Type: CORPORATION

State or Country Where MISSISSIPPI

Organized:

Address: 676 BAYVIEW AVENUE

BILOXI, MISSISSIPPI 39530

Correspondent

Correspondent Name: JAMES P. MURPHY, LEGAL ASSISTANT

Correspondent Address: 80 PINE STREET

CAHILL GORDON & REINDEL LLP

NEW YORK, NY 10005

Domestic Representative - Not Found

Assignment 9 of 9

Conveyance: SECURITY AGREEMENT

Reel/Frame: 4584/0880

Date Recorded: Jul. 18, 2011

Supporting Documents: assignment-tm-4584-0880.pdf

Assignor

Name: ARGOSY GAMING COMPANY

Legal Entity Type: CORPORATION

Pages: 27

Execution Date: Jul. 14, 2011

State or Country Where DELAWARE

Organized:

Name: PENN NATIONAL GAMING, INC.

Legal Entity Type: CORPORATION

Execution Date: Jul. 14, 2011

State or Country Where PENNSYLVANIA

Organized:

Name: LV GAMING VENTURES, LLC

Legal Entity Type: CORPORATION

Execution Date: Jul. 14, 2011

State or Country Where NEVADA

Organized:

Name: PENNSYLVANIA NATIONAL TURF CLUB, INC.

Legal Entity Type: CORPORATION

Execution Date: Jul. 14, 2011

State or Country Where PENNSYLVANIA

Organized:

Name: HOLLYWOOD CASINO CORPORATION

Legal Entity Type: CORPORATION

Execution Date: Jul. 14, 2011

State or Country Where DELAWARE

Organized:

Name: BTN, INC.

Legal Entity Type: CORPORATION

Execution Date: Jul. 14, 2011

State or Country Where MISSISSIPPI

Organized:

Assignee

Name: WELLS FARGO BANK, NATIONAL ASSOCIATION, AS COLLATERAL AGENT

Legal Entity Type: INC. ASSOCIATION

State or Country Where UNITED STATES

Organized:

Address: 333 S. GRAND AVE, 12TH FLOOR
LOS ANGELES, CALIFORNIA 90071

Correspondent

Correspondent Name: JAMES P. MURPHY, LEGAL ASSISTANT

Correspondent Address: 80 PINE STREET

CAHILL GORDON & REINDEL LLP

NEW YORK, NY 10005

Domestic Representative - Not Found

EXHIBIT C

Español English

CONTACT US



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FUN TIMES Fan Club COOL Merchandise THE BUZZ Franchising

Let's go to Hollywood!

Hollywood Burger Restaurants are located:

San Rafael, Mendoza, Argentina Hollywood Burger, 1530 Avenida Hipólito Yrigoyen

Dubai, UAE
Hollywood Burger, The Boulevard Mall, Unit GF003
Boulevard Central, Old Town
email: boulevard@hollywoodburger.ae

Coming soon:

Dubai, UAE

Hollywood Burger, The Avenue Mall email: avenue@hollywoodburger.ae

Córdoba, Argentina

Hollywood Burger, Avenida Rafael Núñez & Miguel Potel Junot









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